

WHITE FLEISCHNER & FINO, LLP

61 BROADWAY, NEW YORK, NY 10006
T 212.487.9700 F 212.487.9777 WWW.WFF-LAW.COM

November 28, 2007

Via Electronic Filing

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: DiFrisco v. Marriott Int'l
Docket No.: 07-CV-3531 (CM)(DCF)
Our File No.: 104-12742-D-PAF/DMS

Dear Judge McMahon:

My office represents defendant Marriott in this case. This letter is written jointly with plaintiffs' counsel Stephen Toner, seeking an extension of our discovery end date.

In short summary, plaintiff Dominic DiFrisco claims injuries to his leg after falling in the bathroom of the Marriott Hotel, in Paris, France, on January 3, 2007.

From the outset, both sides appreciated the potential expense of litigating the case, given the need to travel to France to depose Marriott's employees there, as well as conducting an inspection of the bathroom in question. As a result, the parties agreed to depose the plaintiffs and then attempt settlement. After plaintiffs' depositions went forward in September, the parties mediated the case with Magistrate Judge Freeman in October, but no settlement was reached.

Plaintiffs' counsel recently served his liability expert disclosure, as well as a 57-item demand for discovery that Marriott considers overbroad and unduly burdensome. Indeed, Marriott will file objections to portions of plaintiffs' demand with Magistrate Judge Freeman, and seek rulings thereon. Understandably, plaintiffs' counsel would like to have responses to his discovery demand, and any records that can be produced as a result, before deposing the Marriott employees. It is also necessary for the attorneys to travel to France to depose Marriott's employees, and inspect the bathroom. The parties intend to move quickly to resolve these discovery issues, but the current end date for all discovery is December 31, 2007.

My office physically moved locations earlier this month, and I was then engaged on trial for five days in Nassau County Supreme Court before Justice F. Dana Winslow. The move and the trial complicated my efforts, and the efforts of my office, to immediately address plaintiffs' discovery demands when we received them on November 8.

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Further, in light of the upcoming Holidays, and the availability of the Marriott employees at a busy time of year for them, the parties jointly and respectfully request that the discovery end date be extended 60 days, until February 29, 2008.

Thank you for your attention herein. We await your advices.

Very truly yours,

WHITE FLEISCHNER & FINO, LLP

Daniel M. Stewart

Daniel M. Stewart
dstewart@wff-law.com

DMS/wj

cc: Stephen K. Toner, Esq.
RUSSO, KEANE & TONER, LLP
26 Broadway, 28th Floor
New York, New York 10004
s.toner@rktlaw.com

Hon. Debra C. Freeman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007